



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

Commission for Public Health

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

MARK T. BENTON • Assistant Secretary for Public Health

Division of Public Health

MEMORANDUM

DATE: September 3, 2019

TO: Rulemaking Interested Persons

FROM: Virginia Niehaus, Rulemaking Coordinator, Commission for Public Health

RE: Notification of Proposed Rule Actions: 10A NCAC 41C .0701-.0703 – Occupational Health Surveillance

Pursuant to G.S. 150B-21.2, this memorandum serves as the required notice to interested persons that the NC Commission for Public Health (CPH) is proposing to readopt 10A NCAC 41C .0701 and .0703 and amend 10A NCAC 41C .0702. The proposed rules update surveillance reporting requirements for occupational diseases, illnesses, and injuries to be more protective of public health. In particular, the proposed rules expand reporting of adult blood lead levels to NC DHHS, Division of Public Health because current science indicates that adverse health effects may occur with blood lead levels less than 5 µg/dL. In addition, 10A NCAC 41C .0701 and .0703 are being readopted pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules. CPH has submitted notice of its intent to make these rule changes to the NC Office of Administrative Hearings (OAH).

In accordance with G.S. 150B-21.4, a fiscal note was prepared for these proposed rules and approved by CPH. The changes will have an impact on state funds and the private sector, but will not impact local funds or have a substantial economic impact. The fiscal note was approved by the NC Office of State Budget and Management (OSBM) on July 1, 2019.

The notice of text that was published in today's edition of the NC Register is attached to this memorandum and may be found on OAH's website at <https://www.oah.nc.gov/rules-division/north-carolina-register>. The text of the proposed rules and the fiscal note may be found on the CPH's website at <https://cph.publichealth.nc.gov/>.

A public hearing on these rules is scheduled for Monday, September 23, 2019 at 10:00 a.m. in the Cardinal Conference Room, Building 3, 5605 Six Forks Road, Raleigh, NC 27609.

CPH is accepting public comments on the proposed rules and fiscal note from September 3, 2019 – November 4, 2019. You may submit comments by email to cphcomment@lists.ncmail.net or by mail to Virginia Niehaus, Rulemaking Coordinator, Commission for Public Health, 1931 Mail Service Center, Raleigh, NC 27699-1931. Comments will also be accepted at the public hearing. The proposed effective date of these proposed rules is January 1, 2020.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH

LOCATION: 5605 Six Forks Road, Building 3, Raleigh, NC 27609
MAILING ADDRESS: 1931 Mail Service Center, Raleigh, NC 27699-1931
www.ncdhhs.gov • TEL: 919-707-5000 • FAX: 919-870-4829

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Should you have questions related to this memorandum, the proposed rules, or the fiscal note, please contact Pierre Lauffer, Division of Public Health, Epidemiology Section, Occupational and Environmental Epidemiology Branch Head at (919) 707-5962.

Attachment

cc:

Dr. Ronald May, Chair, NC Commission for Public Health

Mr. Mark Benton, Assistant Secretary, Division of Public Health

Dr. Zack Moore, Epidemiology Section Chief, Division of Public Health

Dr. Virginia Guidry, Occupational & Environmental Epidemiology Branch Head, Division of Public Health

Ms. Sheila Higgins, Occupational & Environmental Epidemiology, Division of Public Health

Mr. Pierre Lauffer, Occupational & Environmental Epidemiology, Division of Public Health

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Commission for Public Health intends to amend the rule cited as 10A NCAC 41C .0702 and readopt with substantive changes the rules cited as 10A NCAC 41C .0701 and .0703.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://cph.publichealth.nc.gov/>

Proposed Effective Date: *January 1, 2020*

Public Hearing:

Date: *September 23, 2019*

Time: *10:00 a.m.*

Location: *Cardinal Conference Room, located at 5605 Six Forks Road, Raleigh, NC 27609*

Reason for Proposed Action: *The proposed rules update surveillance reporting requirements for occupational diseases, illnesses, and injuries to be more protective of public health. In particular, the proposed rules expand reporting of adult blood lead levels to NC DHHS, Division of Public Health because current science indicates that adverse health effects may occur with blood lead levels less than 5 ug/dL. In addition, 10A NCAC 41C .0701 and .0703 are being readopted pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules.*

Comments may be submitted to: *Virginia Niehaus, Rulemaking Coordinator, 1931 Mail Service Center, Raleigh, NC 27699-1931; phone (919) 707-5006; email cphcomment@lists.ncmail.net*

Comment period ends: *November 4, 2019*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected**
- Local funds affected**
- Substantial economic impact (>= \$1,000,000)**
- Approved by OSBM**
- No fiscal note required**

CHAPTER 41 - EPIDEMIOLOGY HEALTH

SUBCHAPTER 41C - OCCUPATIONAL HEALTH

SECTION .0700 - OCCUPATIONAL HEALTH SURVEILLANCE

10A NCAC 41C .0701 DEFINITION

"Adult" for the purposes of this section means a person age 16 or older.

"Elevated blood lead level" means a blood lead of ~~40 ug/dL or greater.~~ > 0 ug/dL.

"Non-elevated blood lead level" means all blood lead levels that are not elevated regardless of threshold.

*History Note: Authority G.S. 130A-455;
Eff. January 4, 1994.*

10A NCAC 41C .0702 REPORTABLE DISEASES, ILLNESSES, AND INJURIES

(a) The following named diseases, illnesses, and injuries are declared to be dangerous to the public health and shall be reported by a physician within the time period specified after the disease, illness, and injury is diagnosed:

- (1) asbestosis - 15 ~~working~~ business days;
- (2) silicosis - 15 ~~working~~ business days;
- (3) elevated blood lead levels for adults ~~aged 18 years of age and above~~ - 15 ~~working~~ business days;

- (4) injuries caused by tractors, farm equipment, or farm machinery that occur while working on a farm and require medical care – 15 ~~working business~~ days;
 - (5) carbon monoxide poisoning - 15 ~~working business~~ days.
- (b) All laboratories providing diagnostic service in North Carolina shall report to the Occupational and Environmental Epidemiology Branch within the Division of Public Health elevated blood lead levels for ~~adults, adults aged 18 years of age and above.~~
- (c) Physicians shall not be required to report elevated blood lead levels for adults ~~aged 18 years of age and above~~ when a laboratory providing diagnostic service in North Carolina reports elevated blood lead levels.
- (d) Non-elevated blood lead levels shall be reported in same manner for surveillance purposes.

*History Note: Authority G.S. 130A-455; 130A-456; 130A-457; 130A-458;
 Eff. January 4, 1994;
 Amended Eff. December 1, 2016;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019.*

10A NCAC 41C .0703 METHOD OF REPORTING

(a) When a physician makes a report of a disease, illness, injury, or elevated blood lead level for adults ~~aged 18 years of age and above~~ pursuant to G.S. 130A-456 or a medical facility makes such a report pursuant to G.S. 130A-457, the report shall be made to the Occupational Health Section as follows:

- (1) The report shall be made on the surveillance forms provided by or approved by the Occupational Health Section and shall include the following information:
 - (A) The name, address, telephone number, date of birth, ~~social security number~~, race, ethnicity, gender, and job title of the person;
 - (B) The name, address, telephone number, and type of business of the person's employer;
 - (C) The name of the disease, illness, or injury being reported; and
 - (D) The name, address, and telephone number of the physician, laboratory, or medical facility.
- (2) Surveillance forms are available from the ~~SENSOR Program, Division of Public Health, 1915 Mail Service Center, Raleigh, North Carolina 27699-1915.~~ Occupational and Environmental Epidemiology Branch, Epidemiology Section, Division of Public Health, N.C. Department of Health and Human Services, 1912 Mail Service Center, Raleigh, NC 27699-1912. The form can also be downloaded from the following website: <https://epi.publichealth.nc.gov/oe/pest/reporting.html>.

(b) When a laboratory providing diagnostic service in North Carolina reports laboratory findings related to occupational disease or illness pursuant to G.S. 130A-458, the report shall include:

- (1) the specimen collection date;
- (2) the person's name, ~~age~~, date of birth, gender, race, and ethnicity; ~~and social security number~~;
- (3) the submitting physician/employer name, address, and telephone number; and
- (4) the name, address, and telephone number of the laboratory.

*History Note: Authority G.S. 130A-455; 130A-456; 130A-458;
 Eff. January 4, 1994.*